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NEW DELHI, SATURDAY, MARCH 28, 1970 (CHAITRA 7, 1892)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
(Separate paging is given to this Part in order that it may be filed as a separate compilation)

भाग III—खण्ड 4 (PART III—SECTION 4)

विविध निकायों द्वारा जारी की गई विविध अधिसूचनाएं जिसमें अधिसूचनाएं, आदेश, विज्ञापन और सूचनाएं सम्मिलित हैं
(Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued by Statutory Bodies)

रिजर्व बैंक ऑफ इंडिया
केन्द्रीय कार्यालय

बैंक परिचालन और विकास विभाग
बम्बई-1, दिनांक 20 मार्च 1970

सं० 114/सी० 404-70—बैंक विनियमन अधिनियम, 1949 की धारा 36क की उपधारा (2) के अनुसरण में रिजर्व बैंक आफ इंडिया इसके जरिये यह अधिसूचित करता है कि वासुदेव विलासम् बैंक (प्राइवेट) लिमिटेड, पालघाट उक्त अधिनियम के तात्पर्य के अन्तर्गत बैंकिंग कंपनी नहीं रहा है।

के० वर्णासी, मुख्य अधिकारी (निरीक्षण)

RESERVE BANK OF INDIA
Central Office

Department of Banking Operations and Development
Bombay-1, the 20th March 1970

No. 114/C.404-70.—In pursuance of sub-section (2) of section 36A of the Banking Regulation Act, 1949, the Reserve Bank of India hereby notifies that the Vasudeva Vilasam Bank (Private) Ltd., Palghat has ceased to be a banking company within the meaning of the said Act.

K. VARNASY
Chief Officer (Inspections)

स्टेट बैंक ऑफ इंडिया
केन्द्रीय कार्यालय
सूचना

बम्बई, दिनांक 12 मार्च 1970

स्टेट बैंक आफ इंडिया (सहायक बैंक्स) ऐक्ट 1959, सेक्शन 29 के अनुसार स्टेट बैंक आफ इंडिया ने स्टेट बैंक आफ ट्रावन्कोर के निदेशक-मण्डल के साथ विचार विनिमय करने के पश्चात तथा रिजर्व बैंक आफ इंडिया की स्वीकृति लेकर, श्री एस० डी० वर्मा को स्टेट बैंक आफ ट्रावन्कोर के जनरल मैनेजर के पद पर दिनांक 11 मार्च 1970 से 7 नवम्बर 1972 (दोनों दिन सम्मिलित तक नियुक्त किया है।

टी० आर० वरदाचारी, प्रबन्ध निदेशक

STATE BANK OF INDIA
Central Office

NOTICE

Bombay, the 12th March 1970

In terms of Section 29 of the State Bank of India (Subsidiary Banks) Act, 1959, the State Bank of India, after consulting the Board of Directors of the State Bank of Travancore and with the approval of the Reserve Bank of India, have appointed Shri S. D. Varma as the General Manager of the State Bank of Travancore with effect from the 11th March, 1970 to the 7th November, 1972 inclusive.

T. R. VARADACHARY
Managing Director

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

New Delhi, the 12th March 1970

No. 8-CA(1)/23/69-70.—In pursuance of clause (iii) of Regulation 10(1) of the Chartered Accountants Regulations, 1964, it is hereby notified that the Certificate of Practice issued to Shri Zal Kaikhoshroo Eranee, A.C.A., of 'Anand Bhavan', 346, Dr. Dadabhoy Naoroji Road, Fort, Bombay, (Membership No. 10441), shall stand cancelled for the period from 7th August, 1969 to 30th June, 1970, as he does not desire to hold the Certificate of Practice.

C. BALAKRISHNAN,
Secretary.

THE INSTITUTE OF COST AND WORKS ACCOUNTANTS OF INDIA

Calcutta-16, the 5th March 1970

(Cost Accountants)

No. CWR(5)/69.—The following draft of certain amendment to the Cost and Works Accountant Regulations, 1959, which it is proposed to make in exercise of the powers conferred by sub-sections (1) and (3) of Section 39 of the Cost and Works Accountants Act, 1959, (Act No. 23 of 1959), is published for information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken up for consideration on or after 6th April 1970.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Council of the Institute of Cost and Works Accountants of India.

In the existing Regulations, for the existing Chapter VII consisting of Regulations 52 to 70, the following new Chapter VII and Regulations 52 to 70A shall be substituted, namely :

CHAPTER VII

ELECTIONS

52. *Dates of Election.*—The following dates relating to the election of members to the Council, namely, the last date for the receipt of nominations, the last date for the withdrawal of nominations, the date or dates of polling, the last date for receipt of voting papers by post, the date or dates of counting of votes, and the date of declaration of results, shall be fixed by the Council and notified by it in the Journal of the Institute at least three months before the date on which the counting of votes commences.

53. *Members eligible to vote.*—(1) Every member of the Institute shall be entitled to vote in any election to the Council by the constituency to which according to his professional address he belonged on a date immediately six months prior to the date on which the list of members eligible to vote in any elections is published, provided that his name has been borne on the Register of Members continuously for a period of not less than six months immediately prior to the date of publication of the list of members eligible to vote in that election and provided further that on 1st April of the year in which the election is held, his entrance fee, annual membership fee and other dues for and in respect of the previous year

(2) A member whose name stands removed from the Register of Members on the date on which he has to cast his vote shall not be entitled to vote at the election notwithstanding that his name has been published in the list of voters.

54. *Qualifications of members to stand for election.*—Only Fellows whose names are contained in the list of voters published under Regulation 56 and who are eligible to vote at the election, shall be eligible to stand for election to the Council from the Regions in which their names are included.

55. *Number of persons to be elected.*—The number of persons to be elected from a constituency shall bear the same proportion to the number of persons to be elected from all constituencies as the number of members of the Institute in that constituency bears to the number of members of the Institute in all constituencies, the resultant fraction exceeding half being counted as one and the resultant fraction equivalent to or less than half being omitted :

Provided that each constituency shall have at least one person elected therefrom to the Council.

56. *List of voters.*—(1) At least three months before the date fixed for commencement of counting of votes in an election, the Council shall publish—

- (a) a list of members of the Institute in each constituency eligible to vote showing *inter alia* distinctly and separately—
 - (i) whether any particular member is an Associate or a Fellow;
 - (ii) the polling area or polling booth to which the voter is attached and in which he should exercise his franchise, if the Secretary decides that his voting shall be in a polling booth, and not by post, under the powers vested in him under Regulation 63B;
 - (iii) the location of the polling booth and polling area for which each such booth has been selected; and
 - (iv) whether any particular member is entitled to vote by post under Regulation 63N;

and shall send a copy thereof to each member of the Institute irrespective of whether he is a voter or not; and

- (b) a notice in the Journal of the Institute mentioning the number of members to be elected and calling for nominations of candidates for election before a specified date which shall not be less than fourteen days from the date of publication of the notice.

(2) The address published in the list of members eligible to vote will be final for determining the manner in which a member will be entitled to cast his vote or the constituency or the polling booth to which he will belong for purposes of casting his vote;

Provided that if a member attached to a particular polling booth in a city where more than one polling booth have to be set up, finds that it would be difficult for him to vote at the polling booth to which he is attached, he may, at the discretion of the Secretary, be permitted to vote at another polling booth in the same city. Applications in this behalf stating the reasons for the request must reach the Secretary at least 45 days before the date of polling.

57. *Nomination of candidates.*—(1) Every nomination of a candidate shall be in Form 'K' duly signed by the candidate and by the proposer and seconder, both of

whom shall be persons entitled to vote in the election and shall be forwarded by registered post to the Secretary by name so as to reach him on or before the specified date.

(2) Every candidate for election shall pay a fee of Rs. 200 which shall not be refundable in any circumstances except as hereinafter provided :

Provided that not more than one such payment need be made by any one candidate in respect of his candidature for any one election :

Provided further that in the event of his nomination not being accepted as valid as hereinafter provided, the fee of Rs. 200 paid by him shall be refunded to him in full.

58. *Withdrawal of candidature.*—Any candidate may withdraw his candidature by notice in writing addressed to the Secretary by name and by registered post so as to reach him before 3 O'Clock on the seventh day succeeding the date fixed for the receipt of nomination papers. No person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal. The withdrawal of candidature shall be intimated by the Secretary to the other candidates standing for election in the constituency. Any candidate who withdraws his candidature in accordance with this Regulation will be entitled, on an application made by him in this behalf, to the refund of half the amount of fee deposited by him under Regulation 57.

59. *Scrutiny of nominations.*—(1) The Secretary shall scrutinise the nomination papers of all candidates other than those whose candidature has been withdrawn under Regulation 58 and shall endorse on each nomination paper his decision accepting or rejecting it and if he rejects it, he shall record in writing a brief statement of his reasons for so rejecting it and shall communicate the same by registered post to the candidate concerned.

(2) The Secretary may refuse or reject any nomination if he is satisfied :

- (a) that the candidate was ineligible to stand for election;
- (b) that the proposer or seconder was not qualified to subscribe to the nomination of the candidate in Form 'K';
- (c) that there has been a failure to comply with any of the provisions of Regulation 57;
- (d) that the signature of any candidate or of the proposer or seconder is not genuine or has been obtained by force or fraud;
- (e) that the candidate or the proposer or seconder has not paid any of the fees due and payable to the Council for and in respect of the year preceding the year in which the election is held; or
- (f) that on the date of scrutiny of the nomination the name of the candidate or the proposer or seconder stands removed from the Register of Members :

Provided that nothing contained in clause (b), (c), (d), (e), or (f) shall be deemed to authorise the refusal or rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination of the candidate if he has been duly and validly nominated by means of another nomination in respect of which no irregularity has been committed.

60. *Appeals.*—A candidate whose nomination has been refused or rejected by the Secretary may within 10 days of the date on which such rejection or refusal is communicated to him, prefer an appeal to the Council. The

appeal shall be heard by a Committee appointed by the Council for this purpose consisting of three persons who need not necessarily be members of the Institute. Members of the Institute appointed on the Committee shall not be chosen from the candidates standing for election. The Committee so appointed shall have powers to inspect any documents, examine any witnesses, record any evidence, receive affidavits, grant adjournments, and exercise such other powers as may be necessary for the efficient and faithful performance of the duties. The decision of the Committee shall be final.

61. *List of valid nominations.*—(1) On completion of the scrutiny of nominations as provided under Regulation 59, the Secretary shall forthwith prepare a list of valid nominations for the constituency and cause such list to be sent by registered post to each candidate in that constituency whose nomination has been accepted as valid. The list shall contain the full names in alphabetical order and the addresses of the validly nominated candidates in the constituency.

(2) If a candidate dies or otherwise ceases to be a member before the date or dates of polling fixed for the election but after the date fixed for the withdrawal of candidature under Regulation 58 and his nomination is or has been accepted as valid, the election in his constituency shall be conducted among the remaining candidates and no fresh proceedings with reference to the election of members in the constituency in which such member was a candidate shall be commenced.

62. *Candidates deemed to be elected if their number is equal to or less than the number of persons to be elected.*—If the number of candidates validly nominated in any constituency is equal, or becomes, by reason of the death or cessation of membership of one or more candidates before the counting of votes for the election, equal, to or less than the number of persons to be elected for such constituency, then such candidates shall be deemed to be elected and the Secretary shall declare all such candidates duly elected; and where the number of such candidates in that constituency is less than the number of persons to be elected for that constituency, the Secretary shall commence fresh proceedings for the election of the remaining number of members to be elected from that constituency.

63. *Admissible number of votes to each voter.*—Each voter shall have one vote only. A voter in giving his vote—

- (a) must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes, and
- (b) may, in addition, place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3 and 4 and so on, in the squares opposite the names of other candidates in the order of his preference.

63A. *Mode of Elections.*—Except as otherwise provided, the elections shall be conducted by poll and every voter in any election, shall cast his vote personally in the booth provided for the purpose, unless a voter is allowed in respect of any election to cast his vote by post as hereinafter provided.

63B. *Polling Booths.*—The Secretary shall set up such number of polling booths at such places as he deems necessary, provided that, within an area covered by a radius of eight kilometers from each booth, there are not less than fifteen members according to their professional address as given in the list of members eligible to vote.

63C. *Polling officer.*—The Secretary shall appoint a polling officer for each polling booth and may also

appoint such other persons as he may deem necessary to assist the polling officer. The polling officer shall, in addition to performing any other duties imposed upon him by these Regulations be in general charge of all arrangements at the polling booth and may issue orders as to the manner in which persons shall be admitted to the polling booth and generally for the preservation of peace and order at or in the vicinity of the polling booth.

63D. *Secret chamber and ballot paper.*—(1) There shall be a secret chamber or chambers in each polling booth and such chamber shall be so arranged that where a voter records his votes on the ballot paper, no other persons can see how he has voted.

(2) The ballot paper shall contain a list of candidates standing for election in a constituency and shall bear the seal of the Council.

63E. *Presence of candidates at polling booths.*—Any candidate for election in a constituency shall be entitled to be present at the polling booths in that constituency and to appoint members of the Institute as his authorised representatives to be present on his behalf at the polling booths in that constituency :

Provided that the candidate shall send to the Secretary by name so as to reach him at least thirty days before the date fixed for the poll at that constituency an intimation by registered post of his intention to appoint such authorised representatives for the purpose, clearly indicating the full name, membership number and address of each of the authorised representatives and the number of the polling booth at which each of them will be present :

Provided further that not more than one authorised representative shall be present at a time at each polling booth.

63F. *Voting to be in person and not by proxy.*—Voting shall be by ballot and every person entitled to record his vote by ballot and wishing to record his vote, shall do so in person and not by proxy.

63G. *Identification of voters.*—(1) The polling officer may employ at the polling booth such persons as he thinks fit to assist him in identifying the voters or for any other purpose.

(2) At any time before a ballot paper is delivered to a voter, the polling officer may of his own accord, if he has reason to doubt the identity of the voter or his right to vote at the polling booth, and shall if so required by a candidate or his authorised representative, put to the voter such questions as he may deem necessary with a view to establishing the identity of that voter.

(3) Every voter shall be required to sign the marked copy of the list of members eligible to vote and his signature shall be verified by the polling officer with the specimen signature of the voter provided by the Secretary.

(4) If the polling officer is not satisfied as to the identity of the person claiming to be a voter, he may refuse to allow such person to vote in the election.

63H. *Record to be kept by polling officer.*—(1) The polling officer shall at the time of delivery of the ballot paper place against the name of the voter in the list of members eligible to vote a mark to denote that the voter has received a ballot paper. He shall also keep a record of the ballot papers supplied to the voters in such manner as the Secretary may direct.

(2) In deciding the right of a person to obtain a ballot paper under this Regulation, the polling officer

at any polling booth may interpret any entry in the list of members eligible to vote so as to overlook merely clerical or printing error, provided that he is satisfied that such person is identical with the voter to whom such entry relates.

63I. *Manner of recording of votes after receipt of ballot paper.*—On receiving the ballot paper the voter shall forthwith proceed into the secret chamber set apart for the purpose and shall record his votes on the ballot paper in the manner specified in Regulation 63. He shall thereafter fold the ballot paper, leave the secret chamber and insert the ballot paper in the ballot box provided for the purpose in presence of the polling officer. The ballot box should be so constructed that a ballot paper can be inserted therein during the poll but cannot be withdrawn therefrom without the box being unlocked or the seals being broken.

63J. *Return of ballot paper by a voter.*—(1) If a voter after obtaining a ballot paper for the purpose of recording his votes decides not to use the same, he shall return the ballot paper to the polling officer and the ballot paper so returned shall then be marked as 'cancelled—returned' and kept in a separate envelope set apart for the purpose and a record shall be kept by the polling officer of all such ballot papers.

(2) If any ballot paper which has been issued to a voter for the purpose of recording his votes, is found left by the voter at the secret chamber at the end of the day when the polling officer inspects the secret chamber, whether votes have been recorded in it or not, it shall be dealt with in accordance with the provisions of sub-regulation (1) as if it had been returned to the polling officer.

63K. *Hours of polling.*—(1) Every polling booth shall be kept open on the day or days appointed for recording of votes from 8.30 hours to 18.30 hours.

(2) If the polling at any polling booth cannot take place on the day or days appointed for recording of votes, or is interrupted or obstructed for any sufficient cause, or the ballot box used at a booth is tampered with or is accidentally or deliberately destroyed, lost or damaged, the polling officer or the Secretary as the case may be, may adjourn the polling to a subsequent date, or the Secretary may declare the polling at the booth void and decide to have a fresh polling, respectively.

(3) If a polling is adjourned or declared void under sub-regulation (2), the Secretary shall, as soon as may be possible, appoint the place where the polling shall be subsequently conducted and the time, date or dates, as the case may be, for the said polling booth. Also he shall not proceed with counting of votes relating to the election in a constituency, until the polling at all the polling booths in that constituency has been completed.

(4) The place, date or dates and the time of polling appointed under sub-regulation (3) shall be notified individually to the candidates and to the voters concerned.

(5) The polling officer shall close the polling booth at the end of the day, or if the polling is for more than one day, at the end of each day, at the hour appointed under sub-regulation (1) and no voter shall be admitted thereto after that hour :

Provided that all voters present within the polling booth before it is closed, shall be entitled to have their votes recorded :

Provided further that where the number of voters within a radius of eight kilometers at any polling booth exceeds 300, the polling booth shall be kept open for

two consecutive days, during the same timings as mentioned in sub-regulation (1).

(6) The polling officer shall, as soon as practicable after the close of the poll or after its close on each day if the polling is for more than one day, in the presence of any candidates or their authorised representatives who may be present, seal the ballot box with his own seal and the seals of such candidates or authorised representatives as may desire to affix their seals thereon. He shall also make separate packets of

- (i) the unused ballot papers,
- (ii) the returned ballot papers;
- (iii) the marked copy of the list of members eligible to vote, and
- (iv) any other paper directed by the Secretary to be kept in a sealed cover;

and seal each such packet with his own seal and the seals of such candidates or authorised representatives as may desire to affix their seals thereon. He shall arrange for the safe custody of the ballot box and such packets.

(7) Before commencement of polling on the second day, wherever the polling is to take place for more than one day, the polling officer shall, after the seals on the ballot box and packets referred to in sub-regulation (6) are examined by him and by the candidates or their authorised representatives who may be present, remove in their presence the seals on the ballot box and packets for use during the course of that day.

(8) The ballot box and packets referred to in sub-regulation (6) shall be accompanied by an account of ballot papers showing the total number of ballot papers received, issued, unissued and returned, as also the number of ballot papers which should be found in the ballot box. This account shall be forwarded to the Secretary by the polling officer.

63L Transport of ballot papers and their custody. The Secretary and the polling officers shall make adequate arrangements for safe custody of the ballot papers and for safe transport to the headquarters of the Institute of all packets of boxes and other papers referred to in Regulation 63K. The Secretary shall also be responsible for their safe custody until the commencement of counting of votes.

63M Voting by members employed on duty at polling booths.—The polling officer, the persons appointed by the Secretary to assist the polling officer, or the authorised representatives referred to in Regulation 63F who are voters for any constituency and who by reason of their being on duty at a polling booth, are unable to be present and to vote at the polling booth where they are entitled to vote, may send to the Secretary by name so as to reach him at least thirty days before the date fixed for the poll at that constituency, an application for permission to vote at the polling booth where they will be on duty. If the Secretary is satisfied that the claim is just, he may, notwithstanding anything contained in this Chapter, allow the application and permit the voter to vote at the polling booth where he will be on duty to act as polling officer or to assist the polling officer or as authorised representative of a candidate.

Provided that such permission shall not be granted to more than one authorised representative of a candidate in respect of each polling booth, such authorised representative being specifically nominated for the purpose by the candidate himself.

63N Eligibility to vote by post.—Every member whose name is included in the list of members eligible to vote published under the provisions of sub-regulation (1) of Regulation 56 and whose name is not attached

to any polling booth and every member who is residing outside India, shall, notwithstanding anything contained in this Chapter, be entitled to vote by post.

Provided that a member who is entitled to vote by post may be allowed at the discretion of the Secretary to vote by post if, by reason of there being a permanent change in his address from the address published in the list of members eligible to vote to another village, town or city beyond a radius of eight kilometers, he is unable to exercise his vote by poll at the polling booth allotted to him. Application in this behalf, with proper verification of the contents of the application by the member concerned, should be sent to the Secretary by name so as to reach him at least 30 days before the date of polling. Any misuse of this concession, or any misstatement or false verification in this behalf will render the member concerned liable for disciplinary action under Regulation 70.

Provided further that a member who is actually residing beyond a radius of eight kilometers from the polling booth allotted to him on the basis of his professional address, may at the discretion of the Secretary also be given the concession provided in the foregoing proviso on the same terms and conditions.

64 Eligibility to vote by poll by a voter entitled to vote by post.—A voter entitled to vote by post under Regulation 63N may however be allowed by the Secretary to vote by poll at any particular polling booth to be specified by him within his regional constituency, provided he makes an application to that effect in writing duly addressed and forwarded to the Secretary by name by registered post so as to reach him at least 45 days before the date of polling.

65 Ballot papers to be sent by post.—At least 21 days before the date for stating of counting of votes, the Secretary shall send by registered post to the address of every voter entitled to vote by post under Regulation 63N the ballot paper together with a letter explaining the manner in which it shall be filled up, and specifying the date and hour by which it must reach the Secretary.

65A Ballot papers to be returned after recording votes thereon.—Every voter on receiving his ballot paper sent under Regulation 65 shall, if he desires to vote at the election, record his votes thereon in the manner specified in Regulation 63 and then send it to the Secretary by name and by registered post so as to reach him before 3.00 p.m. on the date fixed in this behalf. A voting paper not addressed to the Secretary by name and not delivered by registered post shall be disregarded.

65B Issue of undelivered and fresh ballot papers.—When a ballot paper and other connected papers sent by post under Regulation 65 are lost or damaged in transit or for any reason returned undelivered, the Secretary may reissue them by registered post or deliver them or cause them to be delivered to the voter on his applying for the same, if the Secretary is satisfied with the reasons for such loss, damage or return of the ballot paper and other connected papers.

65C Grounds for declaring ballot papers invalid.—A ballot paper shall be invalid if—

- (a) a voter signs his name or writes any word or figure or makes any mark on it by which the ballot paper becomes recognisable, or by which the voter can be identified; or
- (b) it does not bear the seal of the Council, or
- (c) the figure 1 is not marked in the square opposite the name of any of the candidates, or
- (d) the figure 1 is set opposite the name of more than one candidate; or

- (e) the figure 1 and some other figure are set opposite the name of the same candidate; or
- (f) it is unmarked or void for uncertainty;

66. *Definitions.*—In this Chapter, unless there is anything depugnant in the subject or context—

- (a) 'continuing candidate' means any candidate not elected and not excluded from the poll at any given time;
- (b) 'first preference' means the figure 1, 'second preference' means the figure 2, and 'third preference' means the figure 3, set opposite the name of any candidate, and so on;
- (c) 'unexhausted paper' means a ballot paper on which a further preference is recorded for a continuing candidate;
- (d) 'exhausted paper' means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a ballot paper shall also be deemed to be exhausted in any case in which—
 - (i) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference; or
 - (ii) the name of the candidate next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figures on the ballot paper or by two or more figures;
- (e) 'original vote' in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for such candidate;
- (f) 'transferred vote' in regard to any candidate means a vote, the value or part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or subsequent preference is recorded for such candidate;
- (g) 'surplus' means the number by which the value of the votes of any candidate, original or transferred, exceeds the quota.

66A. *Appointment of time for counting of votes.*—The Secretary shall appoint the time for counting of votes on each date at the headquarters of the Institute and shall give notice of such time in writing to all candidates.

67. *Counting of votes.*—(1) On the date and at the time and place appointed under Regulation 66A, the Secretary shall for purposes of counting of votes in respect of a constituency—

- (a) open the covers containing the postal ballot papers received by him under Regulation 65A, and shall take out the ballot papers from each such cover, record the number thereof in a statement and make a separate packet of such ballot papers;
- (b) allow the candidates or their authorised representatives present at the counting an opportunity to inspect the ballot boxes and packets received from the polling officers and their seals for satisfying themselves that they are in order; and
- (c) proceed as follows :

If he is satisfied that the ballot boxes and packets which have been received are in order, he shall take up the

counting of the ballot papers contained in the ballot boxes. If he finds that any of the ballot boxes has been tampered with, he shall not count the ballot papers contained in such box for purposes of election. He shall, however, keep a record of such ballot papers for purposes of election petitions, if any.

He shall open the ballot boxes found to be in order, take out the ballot papers therefrom, count them and keep a record of their number in a statement. To these he shall add the postal ballot papers. He shall then examine the ballot papers and reject those which are invalid. He shall thereafter divide the valid ballot papers into parcels according to the first preferences recorded for each candidate and count the number of papers in each parcel.

(2) In carrying out the Regulations hereinafter contained, the Secretary shall—

- (a) disregard all fractions, and
- (b) ignore all preferences recorded for candidates already elected or excluded from the poll.

(3) For the purpose of facilitating the processes prescribed by the Regulations hereinafter contained, each valid paper shall be deemed to be of the value of one hundred.

(4) The Secretary shall add together the values of the papers in all the parcels and divide the total by a number exceeding by one the number of vacancies to be filled and the result increased by one shall be the number sufficient to secure the return of a candidate (hereinafter called the quota).

(5) If at any time a number of candidates equal to the number of persons to be elected has obtained the quota, such candidates shall be declared elected, and no further steps shall be taken.

(6) Any candidate, the value of whose parcel, on the first preference being counted is equal to or greater than the quota, shall be declared elected. If the value of the papers in any such parcel—

- (a) is equal to the quota the papers shall be set aside as finally dealt with;
- (b) is greater than the quota the surplus shall be transferred to the continuing candidates indicated on the voting papers as next in the order of the voters' preference in the manner prescribed in the following sub-regulations.

(7) If and whenever as the result of any operation prescribed by these Regulations a candidate has a surplus that surplus shall be transferred in accordance with the provisions of this sub-regulation,

- (a) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in order of magnitude : Provided that every surplus arising on the first counting of votes shall be dealt with before those arising on the second counting and so on.
- (b) Where two or more surpluses are equal, the Secretary shall decide, as hereinafter provided, which shall first be dealt with;
- (c) If the surplus of any candidate to be transferred arises from original votes only, the Secretary shall examine all the papers in the parcel belonging to the candidate whose surplus is to be transferred, and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall also make a separate sub-parcel of the exhausted paper. He shall then ascertain the value of the papers

in each sub-parcel and of all the unexhausted papers. If the value of the unexhausted papers—

(i) is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred,

(ii) is greater than the surplus, he shall transfer the sub-parcel of unexhausted papers, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(d) If the surplus of any candidate to be transferred arises transferred as well as original votes, the Secretary shall reexamine all the papers in the sub-parcel last transferred to the candidate, and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall thereupon deal with the sub-parcels in the same manner as is provided in the case of the sub-parcels referred to in clause (c).

(e) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(f) All papers in the parcel or sub-parcel of an elected candidate not transferred under this sub-regulation shall be set aside as finally dealt with.

(8) If after all surpluses have been transferred, as hereinbefore provided, less than the number of candidates required has been elected, the Secretary shall exclude from the poll the candidate lowest on the poll and shall proceed as follows :

(a) He shall distribute the unexhausted papers of the excluded candidate among the continuing candidates according to the next preferences record thereon. Any exhausted papers shall be set aside as finally dealt with.

(b) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(c) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value of which he obtained them.

(d) Each of such transfers shall be deemed to be a separate transfer.

(e) The process prescribed by this sub-regulation shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until the last vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

(9) If as the result of a transfer under these Regulations the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer then proceeding shall be completed, but no further papers shall be transferred to him.

(10) If after the completion of any transfer under these Regulations the value of votes of any candidate shall be equal to or greater than the quota, he shall be declared elected. If the value of the votes of any such candidate—

(a) shall be equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally dealt with;

(b) shall be greater than the quota, his surplus shall thereupon be distributed in the manner hereinbefore provided, before the exclusion of any other candidate.

(11) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected. When only one vacancy remains unfilled and—

(a) if the value of the votes of some one continuing candidate exceeds the total value of all the votes of the other continuing candidates, together with any surplus not transferred that candidate shall be declared elected;

(b) if there are only two continuing candidates, and those two candidates have each the same value of votes and no surplus remains capable of transfer, one candidate shall be declared excluded under the next succeeding sub-regulation and the other declared elected.

(12) If, when there is more than one surplus to distribute, two or more surpluses are equal, or if at any time it becomes necessary to exclude a candidate and two or more candidates have the same values of votes and are lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall have his surplus first distributed, or shall be first excluded, as the case may be. If the values of their original votes are equal the Secretary shall decide by lot which candidate shall have his surplus distributed or be excluded.

68. *Appointment of Scrutinisers.*—The Secretary shall appoint not more than four persons who are neither members of the Council nor candidates for election to act as scrutinisers of the voting papers and to assist the Secretary generally in counting the votes.

68A. *Presence of candidates at the time of counting of votes.*—Any candidate for election shall be entitled to be present in person or to appoint a member of the Institute as a representative to be present on his behalf at the time of counting of votes.

69. *Notification of the declaration of results.*—The names of all candidates declared elected shall be notified by the Council in the Journal of the Institute.

69A. *Savings.*—(1) The decision of the Secretary shall be final in all matters not only in regard to the application of any of the provisions of the Regulations contained in this Chapter but also in respect of all other matters not specifically covered by these provisions :

Provided that an appeal against the Secretary's decision may be made to the Council by a candidate within ten days from the date of communication of the decision to him, and the appeal shall be dealt with by the same committee and in the manner as specified in Regulation 60.

(2) No election shall be deemed to be invalid merely because of the accidental omission to send, or delay in sending, a ballot paper to a voter, or the accidental non-receipt of, or delay in receiving, a ballot paper by a voter, or any other accidental irregularity or informality in the conduct of the election.

70. *Disciplinary action against member in connection with conduct of elections.*—A members of the Institute shall be liable for disciplinary action by the Council if he adopts one or more of the following practices with regard to the election to the Council, namely -

(1) Bribery, that is to say, any gift, offer or promise by a candidate or by any other person with the connivance of a candidate, of any gratification to a person whomsoever, with the object, directly or indirectly, of inducing :—

(a) a member to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(b) a voter to vote or refrain from voting at an election, or as a reward to—

(i) a member for having so stood or not stood, or for having withdrawn his candidature; or

(ii) a voter for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, but includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with the connivance of the candidate with the free exercise of any electoral right :

Provided that a declaration of policy or a promise of a particular action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.

(3) The publication by a candidate or by any other person with the connivance of the candidate of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(4) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or by any other person with the connivance of a candidate, any assistance for the furtherance of the prospects of the candidate's election from any person serving under the Government of India or the Government of any State other than the giving of vote by such person, if he is a member of the Institute entitled to vote.

(5) The hiring or procuring, whether on payment or otherwise, of a vehicle by a candidate or by any other person with the connivance of a candidate, for the conveyance of voters.

(6) The canvassing for votes, or soliciting the vote of any voter, or persuading any voter not to vote for any particular candidate, or persuading any voter not to vote at the election, or exhibiting any notice or sign board (other than an official notice) relating to the election, by a candidate or by any other person with the connivance of a candidate within a distance of 200 meters from a polling booth.

(7) Any act specified in clauses (1) to (6), when done by a member of the Institute who is not a candidate or a member acting with the connivance of a candidate.

(8) The receipt of, or agreement to receive, any gratification whether as a motive or a reward—

(a) by a member for standing or not standing as, or withdrawing from being a candidate; or

(b) by any member whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any voter to vote or refrain from voting, or any candidate to withdraw his candidature.

(9) Contravention or misuse of any of the provisions of this Chapter or making of any false statement knowing it to be false or without knowing it to be true while complying with any of the provisions of this Chapter.

70A. *Dispute regarding election.*—(1) On receipt of an application under sub-section (2) of Section 10 of the Act, the President shall refer the matter to the Tribunal within thirty days of the receipt of the application.

(2) At the time of giving its decision, the Tribunal shall also pass an order in regard to the costs. If the Tribunal is satisfied that an application made under sub-section (2) of Section 10 of the Act was not founded on a valid ground, the Tribunal may award the costs to the Institute.

Explanatory Note on the above Amendments

The following is the explanatory note on the amendments proposed in Notification No. CWR(5)/69, dated 5th March 1970. This note is intended only to clarify the intention of the Council underlying these amendments and should not be construed as limiting or amplifying the scope of these proposed amendments in any manner whatsoever :

The existing Chapter VII and Regulations 52 to 70 of the Cost and Works Accountants Regulations, 1959, and Regulations 117, 118 and 119 of the said Regulations read with the said Chapter provide for the mode of and procedure for elections to Central Council and to Regional Councils of the Institute. The said Regulations provide for conduct of elections by postal ballot. It is now proposed to provide for voting by personal ballot at polling booths at places where, within an area covered by a radius of eight kilometers from each polling booth, there are at least fifteen members according to their professional address as given in the List of Members eligible to vote. A voter whose name is not attached to any polling booth, shall, however, be entitled to vote by post.

S. N. GHOSE
Secretary

MINISTRY OF LABOUR EMPLOYMENT AND REHABILITATION

(Department of Labour & Employment)

Directorate General of Mines Safety

Dhanbad, the 13th March, 1970

No. 8076 G.—In exercise of the power conferred by Regulation 2(23) of the Coal Mines Regulations, 1957 the following explosive is added to the list of "Permitted Explosive" suitable for use in category I gassy coal seams.

Viking-G (composition GE-20) } Manufactured by M/s.
Indian Explosives Ltd., P. O.
Gomia, Dist. Hazaribagh.

Permissible aggregate charge in all the shot-holes in coal in any one round fired simultaneously shall not exceed 7.90 Kg. and the permissible maximum charge in any shot-hole in coal shall not exceed 0.79 Kg.

Sd/-JLLEGIBLE
Director General of Mines Safety